

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	ORDER OF
)	
or Suspension of the Educator's)	SUMMARY SUSPENSION
)	
Certification of Timeka A. McDuffie,)	
)	
Certificate #209976)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 13, 2004. The State Department of Education (Department) will send a notice of the possible revocation of her South Carolina teaching certificate #209976 (certificate) to Ms. Timeka A. McDuffie, by certified mail, return receipt requested, deliver restricted to addressee. In the interim in accordance with S.C. Code Ann. §1-23-379 (c)(1986), the Department requested that the State Board summarily suspend Ms. McDuffie's certificate until a due process hearing is held, or this matter is otherwise resolved. The Department has reason to believe, due to the nature of the misconduct that led to the pending criminal charges against her, that Ms. McDuffie may pose a threat to the health, safety, or welfare of students that may be under her instruction. This summary suspension will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a summary suspension pending due process proceedings. After considering the evidence presented by the Department, the State Board voted to summarily suspend Ms. McDuffie's certificate until a due process hearing is held, or this matter is otherwise resolved.

FINDINGS OF FACT

Ms. McDuffie holds a valid South Carolina certificate and has just over one year of teaching experience. She was under contract with Newberry County School District (District) for the 2003-2004 school year as an English teacher at the Newberry Learning Center. During late

November 2003, a student reported to the principal that Ms. McDuffie was allegedly involved in a sexual relationship with a fellow student at the school. On November 25, 2003, the principal confronted Ms. McDuffie with the allegation. Ms. McDuffie admitted to the principal that she had a sexual encounter with one of her fifteen-year old male students. Ms. McDuffie was immediately terminated. Ms. McDuffie voluntarily turned herself into law enforcement and has been charged with criminal sexual conduct with a minor 2nd degree.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (1990). Just cause includes: “Unprofessional conduct... and Crime against the law of this State or the United States...,” S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (1986), “If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action.” The State Board finds that there is reason to believe that Ms. McDuffie may pose a threat to the welfare of students that may be under his instruction. Accordingly, the State Board thereby summarily suspends Ms. McDuffie’s certificate #209976 until a due process hearing is held and/or this matter is otherwise resolved.

South Carolina State Board of Education

By: /S/ Mary E. Jones
Dr. Mary E. Jones
Chair

Columbia, South Carolina
January 13, 2004